

Remarks

Claims 2-3, 5-6, 8, and 11-21 were rejected as unpatentable over AAMODT et al. 2003/0194604; claim 7 was rejected further in view of YAMASHITA 6,287,720; and claim 22 was rejected further in view of HIGASHIJIMA 5,886,502. Reconsideration and withdrawal of the rejections are respectfully requested in view of the Declaration under 37 CFR §1.131 that accompanies this response in the Appendix.

The claims have been amended to restore them to the condition they were in at the time of the Appeal Brief of November 24, 2008. This has been accomplished by replacing the previously pending claims with new claims that are the same as those submitted with the Appeal Brief.

The Declaration establishes invention of the subject matter of the rejected claims prior to the effective date of AAMODT et al. That is, the Declaration shows that the draft specification of the Japanese priority application was completed on April 1, 2002, which is prior to the April 15, 2002 filing date of AAMODT et al.

In view of the Declaration and the foregoing remarks, it is believed that the present application has been placed in condition for allowance. Reconsideration and allowance are respectfully requested.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment

to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

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TWP/lrs

Appendix

- Declaration under 37 CFR §1.131